

EXHIBIT B

In The Matter Of:
Johnson, et al v.
City of St. Clair Shores, et al

Statement On The Record (M. Johnson)
July 17, 2023



Judy Jettke
& Associates

COURT REPORTING AND VIDEO

Original File STATEMENT230717.txt
Min-U-Script® with Word Index

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JAVELL JOHNSON and GWENDOLYN
JOHNSON, Personal Representative
for the ESTATE OF CLARENCE
JOHNSON, Deceased,
Plaintiffs,

vs.

Case No. 21-cv-11305
Hon. Stephanie Davis

CITY OF ST. CLAIR SHORES, MARK
STEVELINCK, TODD BING, JASON
STACHEL and GERALD CHOMOS, in
their individual and official
capacity,
Defendants.

The Statement on the Record
Taken Via Zoom Videoconference
Commencing at 1:15 p.m.
Monday, July 17, 2023
Before Steve Brown, CER-999

1 APPEARANCES:

3 CHRISTOPHER J. TRAINOR

4 Christopher Trainor & Associates

5 9750 Highland Road

6 White Lake, Michigan 48386

7 248.886.8650

8 Appearing on behalf of the Plaintiffs.

10 TIMOTHY S. FERRAND

11 Cummings, McClorey, Davis & Acho

12 19176 Hall Road

13 Suite 205

14 Clinton Township, Michigan 48038

15 586.228.5600

16 Appearing on behalf of the Defendants.

1 y, July 17, 2023

2 p.m.

3
4
5 MR. FERRAND: The record should reflect
6 that this is the date and time scheduled for the
7 deposition of Marcella Johnson. The deposition was by
8 agreement of counsel. I served a notice of taking her
9 deposition for today. I'm going to mark as Exhibit
10 Number 1 to to this deposition a copy of the re-notice
11 of taking deposition for today, July 17, 2023 at one
12 p.m.

13 I would also indicate that the notice of
14 taking deposition would have required the witness to
15 bring with her documentation for purposes of today's
16 deposition. I also served a subpoena for the
17 deposition, which I'm going to have marked as Exhibit
18 Number 2, and the subpoena for taking the deposition
19 again required the deponent to appear today, July 17,
20 2023 at one p.m., and to produce documentation that
21 was requested for the purposes of the deposition.

22 The time is now 1:15, the witness has
23 failed and/or refused to appear. I understand that
24 Mr. Trainor has tried to make some contact with the
25 witness and may want to speak about that. But for

1 purposes of today's deposition, she has failed to
2 appear as scheduled, subpoenaed and noticed, and I
3 will be filing a motion to exclude the witness from
4 testifying for purposes of trial. Thank you.

5 MR. TRAINOR: Plaintiff's mom called and
6 said she had a lupus flare-up and she could not do the
7 deposition today, and that's the only information I
8 have. With respect to documents that you requested,
9 most of those aren't relevant and most of them she
10 wouldn't have to produce anyway. So I'm looking --
11 the photographs and videotape don't exist. We've
12 turned everything we have over, and anything she would
13 have, we would have turned over to you. So she wasn't
14 going to bring anything anyway after looking at your
15 subpoena list there. So that's that.

16 MR. FERRAND: All right.

17 MR. TRAINOR: And she's not a party anyway.
18 So that's all we have, but that's all I know. And
19 like I told Mr. Ferrand for the record, I will agree
20 to extend discovery, and I will give you convenient
21 dates with respect to her appearing. I have agreed to
22 produce her, and she is a beneficiary in the estate,
23 so it would behoove her to testify also. So that's
24 all I have on that. And her mom said she would bring
25 her to testify also. So that's that.

1 MR. FERRAND: All right. Bottom line is,
2 she's not here today. We'll try to work out something
3 going forward. If not, I've got to file a motion so
4 she can't testify. And you and I can worry about that
5 at a later time, but thank you, sir. Appreciate it.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF MACOMB)

I, STEVE BROWN, certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me digitally and reduced to computer transcription; that this is a true, full and correct transcript of my digital recording so taken; and that I am not related to, nor of counsel to, either party nor interested in the event of this cause.



STEVE BROWN, CER-999

Notary Public,

Macomb County, Michigan

My Commission expires: March 18, 2029